

PHOENIX CITY CODE
CHAPTER 1 GENERAL PROVISIONS

Section 1-2 *Person* means a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as an individual.

Section 1-5 *General Penalty; continuing violations.* Unless a specific other penalty is provided for, whenever in this Code or in any Ordinance of the City any act is prohibited or is made or is declared to be unlawful or an offense or a misdemeanor or whenever in such Code or Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, any person violating any such provisions of this Code or any Ordinance is guilty of a Class 1 misdemeanor punishable by a fine not exceeding Two Thousand Five Hundred Dollars or imprisonment for a term not exceeding six months or probation in the discretion of the City Magistrate. Each day any violation of any provisions of this Code or of any Ordinance shall continue shall constitute a separate offense.

PHOENIX CITY CODE
ARTICLE IX. ALARM SYSTEMS

Section 10-66. Applicability.

This article is intended to regulate the activities and responsibilities of persons who purchase, rent or use and persons who own or conduct the business of selling, leasing, renting, installing, maintaining or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services and to insure that Police Department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This article specifically encompasses “Burglar Alarms”, “Robbery Alarms”, “Holdup Alarms” and “Panic Alarms”, both audible and inaudible (silent). The provisions of this article shall not apply to audible alarms affixed to motor vehicles, audible fire alarms and, except as provided in Section 10-86.01(C), alarm systems that are operated by the County, State or Federal Government and installed on premises which such entity occupies or uses for governmental purposes.

Section 10-67. Definitions.

In this article, unless the context otherwise requires:

1. *Act of God* means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the adverse effects of which cannot be prevented by reasonable human care, skill or foresight. Such events include tornadoes, floods, earthquakes, and other similarly violent conditions.

2. *Alarm or Alarm System* means any mechanical or electrical device that is used to detect smoke, fire, hazardous materials or an unauthorized entry into a building or other facility, or to alert other persons of the occurrence of a fire or a medical emergency or the commission of an unlawful act against a person or within a building or other facility, and that may be designed to emit an audible alarm or transmit a signal or message when activated. Alarm or alarm system includes, but is not limited to, silent, panic, holdup, robbery, duress, burglary, check welfare, and proprietor alarms. Alarm or alarm system shall not include telephone call diverters and systems that are designed to report environmental and other occurrences and that are not designed to alert, or cause other persons to alert, public safety personnel.

3. *Alarm Agent* means any person, whether an employee, independent contractor or otherwise, who acts on behalf of an alarm business and leases, rents, maintains, services, repairs, or installs alarm systems, other than alarm systems located on the person’s own property or the property of the person’s employer.

4. *Alarm Business* means any person that, either by itself or through a third party, engages in the business of providing alarm monitoring services or the business of selling, leasing, renting, maintaining, repairing or installing alarm systems, devices or services.

5. *Alarm Subscriber* means any person who leases, rents or purchases any monitored alarm system, device or service from an alarm business or who leases or rents an audible alarm system or device, or who contracts with an alarm business for alarm monitoring, repair or maintenance services.

6. *Audible Alarm* means a device designed for the detection of an unauthorized entry on premises and which when activated generates an audible sound on the premises.

7. *Automatic Dialer* means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system, to the Police or Fire Department.

8. *Common Cause* means a common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms, all of which occur within a seventy-two hour period. The series of false alarms shall be counted as one false alarm only if the cause of the series of false alarms is repaired before it generates additional false alarms, documentation of the repair is provided to the Police Chief, and during the 30-day period following the repair, the alarm system generates no additional false alarms from the documented cause.

9. *Controlling Person* means all current officers, managers and directors, and any person who is a stockholder, member, general or limited partner or owner, or who holds more than ten percent of the ownership, management rights, control or claim to the profits of the business. Controlling person does not include current officers, directors or shareholders of stock in any corporation that is traded on a national stock exchange.

10. *False Alarm* means any activation of an alarm which results in a police response to the premises on which the alarm system is located, unless the alarm is caused by or the result of a criminal act, unauthorized entry, or attempted unauthorized entry.

11. *Licensing Authority* means the City Clerk or the Police Department, as applicable, who has the authority to issue licenses pursuant to this article or the reciprocal alarm licensing ordinance of another city or town.

12. *Monitored Alarm* means a device designed for the detection of an unauthorized entry in premises and which when activated generates an inaudible signal to a monitoring station. A monitored alarm may also generate an audible sound on the premises.

13. *Primary Alarm Business License* means a license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance to an alarm business that has its headquarters, main office, corporate office or designated branch of the alarm business located within this state. In the event that an alarm business has its headquarters, main office, corporate office or designated branch in a city or town that does not require the licensing of alarm businesses, the alarm business may apply for a primary alarm business license from any city or town in this state that has adopted the reciprocal licensing ordinance.

14. *Proprietor Alarm* means any alarm or alarm system which is owned by the alarm subscriber and which is not monitored, maintained, or repaired under contract by an alarm business.

15. *Robbery, Holdup or Panic Alarm* means a device designed for the detection of a robbery, holdup or the commission of an unlawful act within the premises protected by an alarm system, and which may be intentionally activated by a person, generates an inaudible signal to the monitoring station and may or may not generate an audible sound at the premises.

16. *Reciprocal Alarm Business License* means a license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance, and in which that alarm business conducts business. This license shall be issued only to an alarm business that has a valid primary alarm business license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

17. *Reciprocal Alarm Licensing Ordinance* means an ordinance that is substantially the same in its material terms to the reciprocal alarm licensing provisions codified in this article and that is intended by the adopting jurisdiction to be recognized as being reciprocal with alarm licensing ordinances adopted by other cities and towns in this state. Minor or non-material variations that are enacted in a particular city or town to accommodate local conditions or needs shall not affect the reciprocal nature of the ordinance.

18. *Vision Obscuring Device Or Alarm System* means a device or alarm system that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision for the purpose of preventing or deterring theft.

Section 10-68. Phoenix Police Department responsibilities.

The provisions of this article shall be administered in a manner prescribed by the Police Chief.

Section 10-69. Alarm business duties.

The duties of an alarm business shall be as follows:

- A. To install an alarm system compatible with the environment, to take reasonable measures to prevent the occurrence of false alarms, and, if it has agreed to provide maintenance or repair service to the system, to service the system within seventy-two (72) hours of a request for service. The alarm business shall not install a single action non-recessed button as a device to activate a holdup or panic alarm.
- B. To provide written and oral instructions to each of its alarm subscribers and the principal occupants of the buildings or premises protected by an alarm system in the proper use and operation of the system. Such instruction will specifically include all instructions to turn the alarm system on and off and to avoid false alarms.
- C. To provide each purchaser and subscriber with a copy of this article, an Alarm Subscriber/Proprietor Permit Application, and false alarm prevention material. The alarm business shall complete and sign the Alarm Subscriber/Alarm Company Information Form with alarm subscriber, and submit the form as required in subsection G of this section.
- D. Upon leasing or renting an alarm system:
 - 1. To conspicuously place on the premises a tag identifying the pertinent alarm business, including the telephone number to call when the alarm has been activated.
 - 2. To maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and alternate to be notified whenever the alarm is activated and to provide such information to the Police Department upon request.
 - 3. To inactivate or cause to be inactivated the audible alarm within fifteen minutes of the notification of its activation in the event the primary and alternate cannot be contacted or do not respond.
- E. Upon leasing, renting, selling or monitoring an alarm system:
 - 1. To establish a central receiving station which will monitor these alarm systems. The central receiving station shall attempt to contact the alarmed location by telephonic or other electronic means on every alarm signal except a holdup, robbery, panic, or duress alarm activation, whether or not actual contact with a person is made, before requesting a police response to an alarm system signal.
 - 2. To organize its central receiving station in order to be able to readily and positively identify the type of alarm, including but not limited to burglary, robbery, holdup, or panic alarm, and the location of the alarm, if there is more than one system; whether the alarm is audible or silent; the alarm subscriber permit number and the description of the zone or sensor activated, and the name and response time of a responsible party.
 - 3. To maintain records as to each of these alarm systems, devices or services which shall include the name of the owner or occupant of the premises; the name and telephone number of the subscriber, a primary person and at least one alternate responsible for responding to the premises when the alarm is activated; information concerning whether the alarm system includes an audible alarm; and records of any alarm activation for a period of one year from the date of the activation. The records required by this paragraph shall be made available for inspection to any law enforcement officer of this state or city regulatory licensing inspections official upon twenty days' prior written demand. The business may require the law enforcement officer or inspector to complete an inspection log with name, serial or badge number, time, date and purpose of the inspection.
 - 4. To notify the Police Department of activated alarm systems in the manner prescribed by the Police Chief, including such reasonable information concerning the alarm system as the Police Department may request. Reasonable information shall include copies of central station alarm activity reports, the names of persons from the activated alarm location who have contracted with the alarm business, and any mailing or telephonic information for the activated alarm location. The information shall be made available at any time upon request for inspection by Police Department representatives.
 - 5. To arrange for either the alarm subscriber, alarm agent or other responsible representative to go to the premises of an activated alarm system within thirty minutes of the activation of the alarm in order to be available to assist the Police in determining the reason for activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm.
 - 6. To notify the alarm subscriber or other responsible person, in the case of a monitored alarm system, of all alarm activations at the alarm subscriber's premises within twenty-four hours of activation, not including weekends or holidays, by telephone, facsimile transmission, or written notice deposited in the United States mail.
- F. To cease responsibility for an alarm system pursuant to this article, the alarm business shall send written notice to the Police Department in the event the alarm business ceases to lease, rent, maintain, service or monitor any alarm system. The notice shall be sent within ten days after the date service or responsibility is discontinued.

G. To submit on a form and in the manner prescribed by the Police Chief, such information concerning compliance of the alarm business with its duties under this section as the Police Chief may request. An alarm business representative and the subscriber shall complete and sign the Alarm Subscriber/Alarm Company Information Form, and the alarm business shall submit the form to the Police Department within ten days of commencement of service for the alarm system.

H. Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsection A, B, C, D, E, or F of this section, but shall be responsible for instructing each person who purchases an alarm or alarm system in the proper use and operation of the alarm, informing each alarm subscriber or alarm purchaser to contact the Phoenix Police Department for information regarding this article, advising each alarm subscriber or alarm purchaser of the requirement of an alarm subscriber permit and providing a copy of this article to each alarm subscriber or alarm purchaser. Such instruction will specifically include all instructions necessary to turn off the alarm and to avoid false alarms. Any alarm business that sells an alarm or an alarm system with monitoring services, or leases, rents, installs, maintains or services an alarm or alarm system shall be subject to subsections A, B, C, D, E, F and G of this section.

I. Any alarm business that monitors, but does not sell, lease, rent, install, service or maintain alarms or alarm systems, shall be subject to subsections E, F and G of this section.

J. Any alarm business that sells or installs alarms or alarm systems without monitoring services, and does not lease, rent, install, maintain or service alarms or alarm systems, shall be subject to subsections C, D and G of this section.

K. An alarm business which violates any provision of this section is guilty of a class 1 misdemeanor.

Section 10-70. Alarm subscriber duties.

The duties of an alarm subscriber shall be as follows:

A. To instruct all persons who are authorized to place the system or device into operation in the appropriate methods of operation, and to lock and secure all points of entry, such as doors and windows.

B. To inform all persons who are authorized to place the alarm system into operation of the provisions of this article emphasizing the importance of avoiding false alarms. A current copy of the provisions of this article shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation.

C. To apply for an alarm subscriber permit from the Phoenix Police Department.

D. To respond or to make arrangements for an alarm business or other responsible person to respond to the scene of an activated alarm within thirty (30) minutes of the alarm activation.

E. To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.

F. An alarm subscriber who violates any provision of this section is guilty of a class 1 misdemeanor.

Section 10-71. Proprietor alarm responsibilities.

The duties of a proprietor alarm owner shall be as follows:

A. To be familiar with the provisions of this article and to apply for an alarm subscriber permit from the Phoenix Police Department.

B. To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.

C. To notify the Police Department of the name, address and telephone number of the primary person, and at least one alternate, to be notified in case the alarm is activated.

D. Upon the purchase of any alarm system, device or service which includes an audible alarm to inactivate or cause to be inactivated the alarm system within fifteen (15) minutes of notification of its activation.

E. To instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation and to lock and secure all points of entry, such as doors and windows.

F. To inform all persons who are authorized to place the alarm system into operation of the provisions of this article emphasizing the importance of avoiding false alarms. A current copy of this article shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation.

G. A proprietor alarm owner who violates any provision of this section is guilty of a class 1 misdemeanor.

Section 10-72. License required; administration; duration; duplicate license.

A. It shall be unlawful for any person to conduct, operate or engage in or carry on an alarm business, or to engage in the occupation of alarm agent, or represent oneself as an alarm agent, without first having obtained such licenses as are required by this article. A separate license is required for each business name under which an alarm business conducts business or advertises. In the event that the licensing authority has reasonable cause to believe that an alarm business does not have a valid alarm business license as required by this article, or that a person is engaged in the alarm business without a valid alarm business license, the licensing authority or its designee, with the assistance of the Police Department, shall issue a warning to the alarm business stating that it is in violation of the provisions of this article. The warning shall direct the alarm business to apply for an alarm business license within ten calendar days of the date of the warning. The alarm business receiving such a notice shall not engage in the alarm business until an alarm business license is issued pursuant to this article.

B. The administration of this article, including the duty of prescribing forms, is vested in the licensing authority. License applications made pursuant to this article shall be submitted to the licensing authority, which shall have the authority to issue, deny, suspend or revoke a license in accordance with the provisions of this article.

C. The license required by this article shall be in addition to any other licenses or permits required by the city, county or state in order to engage in business. Persons engaging in activities described in this article shall comply with all other ordinance and laws, including the city zoning laws, as may be required to be engaged in the business to be licensed. Failure of any applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial, suspension or revocation of a license.

D. All licenses issued pursuant to this article shall be for a period of one year from the date of issue and shall be renewable annually, one year from the original date of issue or renewal, as applicable, subject to renewal pursuant to Section 10-72.5.

E. Upon written request and the payment of a ten dollar fee, the licensing authority shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

F. It shall be unlawful for an alarm business to use or to contract with for purposes of using the service of an unlicensed alarm business or alarm agent.

Section 10-72.1. Types of licenses; reciprocity.

A. The types of licenses that may be issued pursuant to this article are as follows:

1. *Primary Alarm Business License.* A primary alarm business license may be applied for by an alarm business that is physically located within this city, in a jurisdiction that has not adopted this reciprocal alarm license ordinance, or in a jurisdiction outside this state.

2. *Reciprocal Alarm Business License.* An alarm business, whether physically located within or outside the state of Arizona, that has a valid primary alarm business license issued by a jurisdiction within this state that has adopted the reciprocal alarm license ordinance, shall be entitled to the issuance of a reciprocal alarm business license upon compliance with the requirements of this article.

3. *Alarm Agent License.* A person desiring to engage in the business or occupation of alarm agent shall apply for and receive an alarm agent license from the jurisdiction that issues the primary alarm business license for the alarm business for which the alarm agent is or will be working. A person holding a valid alarm agent license, who desires to work for an alarm business holding a reciprocal alarm license, does not have to obtain a separate license, but shall provide a copy of his or her license, upon request, to the jurisdiction in which the reciprocal license has been issued.

Section 10-72.2. Alarm business license applications ; contents.

A. All applications for alarm business license made pursuant to this article shall include the following:

1. The name, business address, mailing address and telephone number of the alarm business. If the applicant is a corporation, general or limited partnership, limited liability company, or other legal entity, the name of the applicant shall be set forth exactly as shown in its Articles of Incorporation, Charter, Certificate of Limited Partnership, Articles of Organization or other organizational documents, as applicable, together with the state and date of incorporation and the names, residence addresses and dates of birth of each controlling person. If one or more of the partners, members or shareholders of the applicant is a corporation or other legal entity, the provisions of this subsection relating to information required of a corporation shall apply.

2. In the event that the applicant is a corporation, general or limited partnership, limited liability company or other legal entity, the applicant shall designate one of its officers, general partners, or members to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this article. The applicant shall provide a copy of their corporation, partnership or limited liability company formation documents.

3. The name of the applicant and each controlling person, any alias or other name used or by which the applicant or any controlling person has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers and e-mail addresses, if applicable.

4. The names and addresses of the alarm agents employed by the alarm business.

5. The residence and business address of the applicant and each controlling person for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address.

6. Proof that the applicant and each controlling person is at least eighteen years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.

7. Height, weight, color of eyes and hair and date of birth of the applicant and each controlling person.

8. Two current 2" by 2" photographs of the applicant and each controlling person.

9. The employment history of the applicant and each controlling person for the five-year period immediately preceding the date of the filing of the application.

10. Information as to whether the applicant or any controlling person, or the business on behalf of which the license is being applied for, has ever been refused or denied any similar license or permit, or has had any similar permit or license revoked, canceled or suspended, and the reason or reasons for the revocation, cancellation or suspension.

11. Whether or not the applicant or any controlling person has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses, including driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time. "Crime" does not include minor or civil traffic offenses. "Convicted" means having plead guilty or no contest to a crime, having been found guilty of a crime, or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant or controlling person shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant or controlling person is presently pending trial or other court proceeding for a crime.

12. For initial and renewal applications for primary alarm business licenses only, one full set of fingerprints on fingerprint cards, or fingerprint data, as provided in Section 10-83 for the applicant and each controlling person. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or other government agency.

13. Copies of the State of Arizona Registrar of Contractor's C-11, C-12 or L-67 License, as applicable, or a copy of the K-67 License for combined residential and commercial, issued to the alarm business applicant, and copy of the State of Arizona Transaction Privilege Tax License, if applicable.

14. A list of all Arizona counties, cities and towns where the applicant conducts business.

15. An express agreement by the alarm business that any and all records of the alarm business, whether written or recorded, electronically or otherwise, or in any other form, relating to information required to be supplied to the Police Department in case of an alarm, shall be immediately made available at any time upon request for inspection by agents of the Police Department.

16. A copy of a valid primary alarm business license if the application is made for an original or renewal reciprocal alarm business license.

17. Such other information, evidence, statements or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal.

B. Applicants for primary or reciprocal alarm business licenses, or applicants for renewal of any such licenses, shall notify the licensing authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the licensing authority within fifteen calendar days of the occurrence of the change.

Section 10-72.3. Alarm agent license applications.

A. An alarm agent license application and an alarm agent license renewal application shall include the following information about the applicant:

1. The name of the applicant and any alias or other name, used by or by which the applicant has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers, and e-mail addresses, if applicable.
2. The name, business address and business telephone number of the alarm business where the applicant is or will be employed.
3. Proof that the applicant is at least eighteen years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.
4. Height, weight, color of eyes and hair and date of birth of the applicant.
5. Two current 2" by 2" photographs of the applicant.
6. The applicant's employment history for the five-year period immediately proceeding the date of the filing of the application.
7. Information as to whether, in this city or elsewhere, the applicant has ever been refused or denied any similar license or permit, or has had any similar permit or license revoked, canceled, or suspended and the reason or reasons for the revocation, cancellation or suspension.
8. Whether or not the applicant has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses, including driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time. "Crime" does not include minor or civil traffic offenses. "Convicted" means having plead guilty of no contest to a crime, having been found guilty of a crime, or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant is presently pending trial or other court proceeding for a crime.
9. One full set of fingerprints on fingerprint cards, or fingerprint data, as provided in Section 10-83. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or authorized government agency.
10. The applicant's business, occupation or employment history for the five-year period immediately proceeding the date of filing the application.
11. A list of all Arizona counties, cities or towns where the applicant conducts business.
12. Such other information, evidence, statements or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal.

B. Applicants for alarm agent licenses, or applicants for renewal of such licenses, shall notify the licensing authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the licensing authority within fifteen calendar days of the occurrence of the change.

Section 10-72.4. Fees; display of licenses.

A. The following fees, which shall be non-refundable, non-transferable, and will not be prorated, shall accompany initial applications and renewals:

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| <u>Initial License Application Fee:</u> | |
| Primary Alarm Business | \$200 |
| Reciprocal Alarm Business | \$ 75 |
| Alarm Agent | \$ 70 |
| <u>License Renewal Fee:</u> | |
| Primary Alarm Business | \$ 20 |
| Reciprocal Alarm Business | \$ 10 |
| Alarm Agent | \$ 20 |

Criminal History Investigation:

Current cost of obtaining from the Arizona Department of Public Safety and the Federal Bureau of Investigation

Duplicate License Fee: \$ 10

B. Alarm business licenses shall state whether they are primary alarm business licenses or reciprocal alarm business licenses. The primary alarm business license or reciprocal alarm business license, as applicable, shall be at all times conspicuously displayed at the alarm business's central station or office.

C. Alarm agent licenses shall be carried on the person of an alarm agent at all times while so employed and the alarm agent shall display the license to any police officer or authorized representative of this city upon request.

Section 10-72.5. Renewal of license.

A. The holder of a primary alarm business license, reciprocal alarm business license or alarm agent license shall renew the license annually by submitting a renewal application containing the information listed in Section 10-72.2 or 10-72.3, as applicable, and paying the required renewal fee and the costs for a criminal history investigation. The holder of a reciprocal alarm business license, as a condition of renewal, shall also submit a copy of the approved primary alarm business license upon which reciprocity is based.

B. Applications for license renewal shall be filed with the licensing authority not later than ninety days prior to the expiration of the license currently in effect. Applications for license renewal shall not be accepted after ninety days prior to the expiration date of the license. In the event that a license expires without the licensee having submitted a timely application for renewal, the holder of the expired license must file a new application for initial license and shall comply with all of the requirements provided herein for obtaining an initial license.

Section 10-72.6. Issuance; grounds for denial.

A. The licensing authority will issue a license provided for by this article to an applicant, or renew a license, if applicable, when the following conditions of the applicable licensing provisions have been fully satisfied:

1. All application requirements have been met, including any criminal history background checks and fingerprint requirements.

2. All fees have been paid in full.

3. No grounds for denial listed in this section exist.

B. The licensing authority shall deny a license or deny the renewal of a license if, at the time of the filing of an original application or a request for renewal, the licensing authority has reasonable grounds to believe that an applicant, licensee or controlling person:

1. Has been previously convicted, in any jurisdiction, of a felony; or a misdemeanor involving fraud, theft, dishonesty, moral turpitude, physical violence, assault, indecent exposure, illegal use or possession of a deadly weapon, or a violation of Arizona Revised Statutes Title 13, Chapter 34 (drug offenses, including but not limited to those relating to possession, sale or other conduct involving marijuana, narcotic drugs, precursor chemicals and prescription drugs), or offenses committed in another jurisdiction, which if committed in Arizona would be in violation of Title 13, Chapter 34, Arizona Revised Statutes within the five-year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction or convictions have been expunged from court records pursuant to law.

2. Has prepared or filed an application or request for renewal which contains any false or misleading information, submitted false or misleading information in support of such application or request, or failed or refused to make full disclosure of all information required by this article.

3. Has had a license relating to alarm businesses or agents, as applicable, or a license of similar character, issued by the city of another authority, suspended, canceled or revoked within the five-year period immediately preceding the date of the filing of the application.

4. Is not a United States Citizen or lawful permanent resident alien or an alien who is authorized to work by the United States Department of Justice Immigration and Naturalization Service.

5. Has violated a provision of this article, or has committed any act which, if committed by a licensee, would be grounds for the denial or revocation of a license pursuant to this article.

C. Notice shall be given of any denial of a license application, or a request for renewal, in writing, and either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for denial of the license or license renewal.

Section 10-73. Suspension or revocation; grounds.

The licensing authority may suspend or revoke any primary or reciprocal alarm business or alarm agent license, when the licensing authority has reasonable grounds to believe any of the following:

- A. The licensee, or any controlling person, has violated any of the grounds for denial of a license, as described in Section 10-72.6 (B).
- B. The licensee or any controlling person has failed to comply with the requirements of this article, including failure to provide changes in license information, as required.
- C. The licensee has failed to comply with the requirements of this article relating to alarm business or alarm agent responsibilities, false alarms or assessments.
- D. The licensee has failed to maintain in good standing all licenses or permits which are required pursuant to this article to hold a primary or reciprocal alarm business license, or alarm agent license, as applicable.

Section 10-73.1. Suspension or revocation procedure; hearing.

- A. The licensing authority shall give notice of its intent to suspend or revoke a license. Notice shall be given in writing, either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for the suspension or revocation.
- B. The licensing authority shall transmit, by facsimile, notice of the suspension or revocation, when such action is final, to all counties, cities, and towns listed on the licensee's application. The suspension or revocation of a primary alarm business license shall result in the same action being taken as to all reciprocal alarm business licenses which are derived from that primary alarm business license.

Section 10-73.2. Review and appeals.

Any person aggrieved by any decision with respect to either the denial of an application for a license, or renewal, or the suspension or revocation of a license which is subject to this article, shall be entitled to the review and appeal procedures in accordance with Chapter 19, Article II of this Code.

Section 10-73.3. Application after denial or revocation of license.

No person, association, firm, corporation or other legal entity may apply for any license required under this article within one year from the denial of any such license to such applicant, or from the non-renewal or revocation of any such license, unless the cause of such denial, revocation or non-renewal has been, to the satisfaction of the licensing authority, removed within such time. This section shall be inapplicable to denials of applications or renewal when the reason for denial was for an administrative, technical or otherwise non-material reason.

Section 10-73.4. Termination and cancellation of license; notice.

- A. An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent license to the licensing authority.
- B. An alarm agent who terminates his employment with an alarm business to change employment to another alarm business licensee shall notify the licensing authority of the transfer, in writing, within fifteen calendar days of the change in employment.
- C. An alarm business may cancel an alarm business license by filing a notice of cancellation of the license with the licensing authority. The notice of cancellation shall include the effective date of the cancellation. In the event of the cancellation of a primary alarm business license, notice shall be given to all jurisdictions in which reciprocal alarm business licenses have been issued and are active. Reciprocal alarm business licenses shall be canceled as of the effective date of the cancellation of the primary alarm business license, unless the licensee requests the license be cancelled sooner.

Section 10-74. This section was repealed.

Section 10-75. Warning notice.

When an alarm system generates two false alarms within a consecutive three hundred sixty five-day period, the Police Department shall send a warning notice to both the alarm subscriber and the alarm business or the proprietor alarm owner that one subsequent false alarm within said period will subject the notified parties to the sanctions as provided herein.

Section 10-76. Police review of false alarms.

A. Any alarm system which has three or more false alarms within a consecutive three hundred sixty-five day period shall be subject to assessment as provided herein.

B. If the Police Department records three or more false alarms within a consecutive three hundred sixty-five day period:

1. The Police Department shall notify both the alarm subscriber and alarm business or the proprietor alarm owner by mail of the Police Department's initial notice of assessment of false alarm service fees and of the amount of the assessed service fees. The alarm subscriber and alarm business or the proprietor alarm owner may, within twenty days of the date of mailing of the notice, appeal to the Police Chief by filing a petition with the Police Chief or his designee. The petition shall contain specific defenses to the assessment. Affirmative defenses to a false alarm service fee assessment alarm may include evidence that a false alarm was caused by an act of God, common cause, action of the telephone company, telephone line outage, power outage lasting longer than the life of a fully charged battery, and other extraordinary circumstances not reasonably subject to control by the alarm business, alarm subscriber or proprietary alarm owner.

2. Any petition submitted pursuant to paragraph 1 of this subsection shall be received by the Police Chief or his designee within the time specified. If the petition is not timely submitted, any notified party shall be deemed to have waived his right to any further review or hearing as provided herein and the initial assessment shall be final.

3. If a petition is timely submitted pursuant to paragraph 1 of this subsection, the Police Chief or his designee shall review the defenses, if any, set forth in the petition. If it is determined that a valid defense to the initial determination of false alarm assessment has been set forth, a notice will be sent to the alarm subscriber and alarm business or proprietor alarm owner that no assessment will be made for that particular alarm. The notice shall specifically set forth the findings and conclusions of the Police Chief or his designee with respect to the review of the initial assessment.

4. If the Police Chief or his designee determines that a defense to the initial notice of assessment has not been set forth, a notice of decision shall be sent by mail to both the alarm subscriber and alarm business or the proprietor alarm owner that they will be assessed pursuant to paragraph 5 of this subsection. The notice of decision shall contain the specific findings and conclusions of the Police Chief with respect to the review of the initial assessment.

5. Service fees assessed pursuant to paragraphs 2 and 4 of this subsection shall be in an amount of eighty-five dollars per false alarm upon the third and any subsequent false alarm to recover the cost of the response by the police to the false alarm. The alarm subscriber and the alarm business shall, except as provided in Section 10-77(F), be jointly and severally responsible for the payment of the service fees imposed upon the alarm system. The owner of a proprietor alarm shall be solely responsible for the payment of the service fees imposed upon a proprietor alarm system. No service fee shall be imposed under this section for any false alarm for which a service fee has been imposed against the alarm subscriber, alarm business or proprietor alarm owner pursuant to Section 10-86.01(E).

Section 10-76.01. False alarm prevention program.

A. The Police Department shall provide an educational program for the prevention of false alarms. The Police Department shall allow an alarm subscriber or proprietor alarm owner to attend any false alarm prevention program for the purposes provided in this section and Section 10-78(C). Each alarm subscriber and proprietor alarm owner who attends the false alarm prevention program shall pay a fee of ten dollars. The Police Department shall collect the fee before or at the time of a person's attendance in the program.

B. If an alarm subscriber or a proprietor alarm owner successfully completes the false alarm prevention program, the Police Department shall issue the person a certificate. The certificate may be used to satisfy the requirements of Section 10-78(C) or in lieu of payment of one service fee assessment imposed pursuant to Section 10-76, provided

that the certificate is submitted with a timely appeal of the initial assessment of false alarm service fees or submitted within ten days of the date of mailing of the notice of decision under Section 10-76(B)(4), and the certificate is submitted within one year of its issuance.

C. An alarm subscriber or proprietor alarm owner who attends any false alarm prevention program provided pursuant to this section is not eligible to attend a false alarm prevention program again within twelve months from the day on which the person last attended the program unless such attendance is necessary to satisfy the requirements of Section 10-78(C).

D. When an alarm business, alarm subscriber or proprietor alarm owner has installed an alarm system component, certified by Underwriters Laboratories, Inc. as false alarm resistant, and submitted to the Police Department proof of purchase and installation of the certified equipment within ten days of installation, the Police Department shall issue the alarm subscriber or proprietor alarm owner a certificate that may be used to satisfy the requirements of Section 10-78(B) or in lieu of payment of one service fee assessment imposed pursuant to Section 10-76; provided, however, the certificate is submitted with a timely appeal of the initial assessment of false alarm service fees or submitted within ten days of the date of mailing of the notice of decision under Section 10-76(B)(4), and the certificate is submitted within one year of its issuance. The proof of purchase shall include the name and address of the installing alarm business, the name of the installing alarm agent, the date of installation, type of component installed, the specific manufacturer name and model number of the component, and the signatures of the installing alarm agent and alarm subscriber or proprietor alarm owner. The component must be labeled by Underwriters Laboratories, Inc. and shall specifically include the control panels labeled CP-01 and passive infrared sensors labeled PIR-01. In the event any passive infrared sensors are installed in the protected premise, all passive infrared sensors installed and connected to the control panel must be labeled PIR-01. Misrepresentation of the installation of Underwriters Laboratories, Inc. false alarm resistant components is unlawful. The provisions of this subsection shall supplement, not supplant, the provisions of Section 10-79.

Section 10-77. Appeal procedures.

A. Any party aggrieved by a decision of the Police Chief or his designee made pursuant to Section 10-76 or Section 10-86.01 may, within ten days of receipt of the notice of decision, appeal by filing a notice of appeal with the hearing officer so designated by the City Manager.

B. The notice of appeal shall set forth the specific objections to the decision of the Police Chief which forms the basis of the appeal.

C. The hearing officer shall set a time and place for the hearing as soon as practicable.

D. The hearing proceeding shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to support the assessment of fees. The hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings, provided that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. In a hearing on an appeal filed pursuant to Section 10-76, the evidence may relate to the specific defenses listed under Section 10-76(B)(1) and the claim that another party should be solely responsible for the service fees. The burden of proof shall be at all times upon the party or parties appealing the assessment.

E. The decision of the hearing officer shall be based upon the evidence presented and it shall:

1. Affirm the assessment, in which case any service fees imposed pursuant to Section 10-76(B)(5) or Section 10-86.01(E)(6) shall be sustained; or

2. Reverse the assessment, in whole or in part, in which case no service fee or a lesser service fee shall be imposed.

F. When any part of the assessment is affirmed in appeals which are filed pursuant to Section 10-76 and which involve an alarm subscriber and alarm business permittee, the hearing officer may designate the alarm subscriber or the alarm business permittee as solely responsible for the payment of the service fees. When any part of the assessment is affirmed in appeals which are filed pursuant to Section 10-76 and which involve a proprietor alarm owner, the hearing officer shall designate the proprietor alarm owner as solely responsible for payment of the service fees.

G. The decision of the hearing officer is final.

Section 10-78. Alarm system operation prohibitions.

A. Upon a final determination of assessment pursuant to Section 10-76 or Section 10-77 for the third and any subsequent false alarm within a consecutive three hundred sixty-five day period, the responsible party shall tender the assessed service fee within twenty days after the date of the final determination. In the event the service fee is not tendered, the continued operation of the alarm system by the alarm subscriber, alarm business, or proprietor alarm owner is unlawful and the unpaid balance of the service fee will be subject to a charge of one and one-half percent per month, compounded monthly.

B. Upon a final determination of assessment pursuant to Section 10-76 or Section 10-77 for the seventh false alarm within a consecutive three hundred sixty-five day period:

1. The alarm subscriber and the alarm business shall submit to the Police Department a notice confirming that the alarm business has formally trained the alarm subscriber in the operation of the alarm system, false alarm prevention measures, cancellation and verification procedures, and responsible party contact requirements and responsibilities. The notice shall also address the causes of the false alarms and what preventative measures have been taken to prevent further false alarm activations. The notice shall be submitted to the Police Department within ten days of the final determination of assessment.

2. A proprietor alarm owner shall submit a notice confirming that all persons with access codes and keys to the premises have been trained in the operation of the alarm system, false alarm prevention measures, and responsible party contact requirements and responsibilities, and addressing the causes of the false alarms and what preventative measures have been taken to prevent further false alarm activations. The notice shall be submitted to the Police Department within ten days of the final determination of assessment.

C. Upon a final determination of assessment pursuant to Section 10-76 or Section 10-77 for the tenth false alarm within a consecutive three hundred sixty-five day period, it shall be unlawful for the alarm subscriber, proprietor alarm owner and the alarm business to operate the alarm or alarm system until such time as the alarm subscriber or proprietor alarm owner does all of the following:

1. Files with the Police Department a certificate showing that the alarm subscriber or proprietor alarm owner has successfully completed the false alarm prevention program as provided under Section 10-76.01, or files with the Police Department a certificate, work order or notice from the alarm company certifying alarm user training on the alarm system. The training shall include the operation of the alarm system, false alarm prevention measures, cancellation and verification procedures, and responsible party contact requirements and responsibilities.

2. Has the alarm system inspected by a city alarm inspector, designated by the Police Chief, to determine that the alarm system is in good working order or in need of repair. The alarm subscriber or proprietor alarm owner shall be present and participate in the inspection. The alarm business also shall have a representative present at the time of the inspection. The representative shall provide reports, records and technical assistance to determine if the alarm system is in good working order or repaired as needed to work properly.

3. Pays an inspection fee of sixty dollars.

D. Upon a final determination of assessment pursuant to Section 10-76 or Section 10-77 of three false alarms following the inspection required in subsection C(2) and within a consecutive three hundred sixty-five day period, it shall be unlawful for the alarm subscriber, proprietor alarm owner and the alarm business to continue operation of the alarm or alarm system.

Section 10-79. Grace period.

A. Newly installed and reinstalled alarm systems shall not be subject to the provisions of Section 10-76 relating to the counting and assessment of false alarms for a period of (30) thirty days from the date the alarm system becomes operational. For the purposes of this section, reinstalled alarm system means the installation of a new control panel.

B. The grace period provided in subsection A of this section shall apply only if the alarm business, alarm subscriber or proprietor alarm owner notifies the Police Chief or his designee in writing within ten (10) days of the completion of installation or reinstallation, the alarm subscriber or proprietor alarm owner has applied for an alarm subscriber permit in accordance with Section 10-86.01 of this article, and the alarm subscriber or proprietor alarm owner has paid any fees that were imposed and have become final pursuant to this article. The written notice shall specify the date the system was installed or reinstalled. For reinstalled alarm systems, the notice shall also describe the nature and extent of the reinstallation.

Section 10-80. Regulations.

- A. Each alarm system shall be inspected and serviced by the permittee at least once in each twelve-month period. Records shall be maintained by the permittee for each alarm system showing dates of inspection and the name of the person making such inspection. Records shall be kept for a minimum of twelve-months (12) and be open to the Police Chief or his designee upon his request upon seventy-two (72) hours notice served by U.S. Mail.
- B. It shall be unlawful for any person to intentionally, knowingly or recklessly activate any burglar, robbery, holdup or panic alarm, except to warn of a criminal act or unauthorized entry on or into an alarm protected premises.

Section 10-81. Prohibition of automatic or prerecorded messages or signals directly to the City of Phoenix.

- A. No person shall use or cause to be used any automatic dialing device that:
1. Automatically selects a public safety or emergency services telephone line of the City of Phoenix and then reproduces any prerecorded message or signal or otherwise maintains an open line without direct person-to-person communication.
 2. Prevents termination of a call by public safety or emergency services.
- B. This section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located in the City's Fire Communications Center.

Section 10-82. Consent Agreements.

- A. The City Clerk, either before or after the issuance of a notice of suspension or revocation, may provide for the informal disposition of any matter by consent agreement.
- B. The consent agreement provided for by this section may impose requirements on the permittee that go beyond the minimum requirements of this article.
- C. The consent agreement shall in all cases require the permittee to agree to the appeal provisions of this section.
- D. The permit of any person violating any of the terms of a consent agreement shall be revoked by the City Clerk for a period of two (2) years by sending a notice of revocation, specifying the violation, to the permittee at his address of record.
- E. Notwithstanding any other provision of this code, a notice of revocation issued pursuant to this section may be appealed only by filing a notice of appeal in the office of the City Clerk within five (5) business days of receipt of the notice of revocation. Appeals which are not timely filed in the office of the City Clerk pursuant to this subsection may not be considered.
- F. All hearings on appeals filed pursuant to this section shall be heard by the City Clerk and shall be conducted informally. The hearing shall occur within twenty (20) calendar days after receipt of the notice of appeal. The City Clerk shall either mail to the permittee at his address of record, or hand-deliver to the permittee, the notice of hearing at least ten (10) calendar days prior to the hearing date. At hearing, the only issue shall be whether a violation of the consent agreement occurred. The City Clerk shall rule on the appeal within five (5) business days after the hearing. If the City Clerk determines that the violation occurred, the permit revocation is final and the permit shall be immediately surrendered to the City Clerk upon receipt of notice of the City Clerk's decision.
- G. The City Clerk's decision to revoke a permit after the hearing provided for in this section may be challenged only by way of special action in the Superior Court.
- H. A violation of a consent agreement entered into pursuant to this section shall be considered a violation of this article.

Section 10-83. Background investigation; fingerprints.

- A. As a condition of the issuance of licenses pursuant to this article, the licensing authority shall require each applicant and controlling person to furnish one full set of fingerprints, or fingerprint data, to enable the licensing authority to conduct a criminal background investigation to determine the suitability of the applicant or controlling person.
- B. The licensing authority shall submit or electronically transmit all completed fingerprint cards to the Department of Public Safety to conduct a statewide criminal history check. The applicant or controlling person shall bear the cost of conducting the criminal background investigation. The cost shall not exceed the actual cost of obtaining the criminal history information. Criminal history records checks shall be conducted pursuant to Section 41-1750,

Arizona Revised Statutes, and Public Law 92-544, as amended. The Department of Public Safety is authorized to exchange the submitted fingerprint card information with the Federal Bureau of Investigation for a National Criminal History Records check.

Section 10-84. Vision obscuring devices and alarm systems ; requirements and responsibilities.

A. An alarm subscriber and alarm business shall file a joint application for an addendum to the alarm subscriber permit for authorization to install a vision obscuring device or alarm system. The application for the addendum shall be submitted to the Police Department not less than ten business days prior to the installation of the vision obscuring device or alarm system. The alarm subscriber and the alarm business shall each possess a valid permit issued under this article prior to submitting the application for a vision obscuring addendum. The application for a vision obscuring addendum shall be made on a form approved by the Police Department and shall be accompanied by a non-refundable three-hundred forty dollar fee. The application shall include a floor plan of the premises indicating the location of all vision obscuring devices and alarm systems, discharge nozzles, electrical connections, and emergency knox-box with shut-off switch. The application shall contain the names and telephone numbers of a primary person and no fewer than two alternatives who will be notified by the monitoring business and who will act as the responsible party upon activation of the device or alarm system. The application shall be approved by the Police and Fire Chiefs or their designees provided that post-installation inspections of each device and alarm system verify the applicants' compliance with all requirements of this article and other applicable codes and ordinances, including but not limited to electrical inspections and green tag requirements and all inspections, permits, and approvals required by the Development Services Department. The approved addendum shall be kept on the premises protected by the vision obscuring device or alarm system and shall be made available for inspection by any law enforcement officer or agent of the Fire Department upon demand. The addendum is valid for one year from date of issuance. The addendum is not transferable from one subscriber to another subscriber or from one address to another address. Any new or additional installation of a vision obscuring device or alarm system will require an additional addendum.

B. The installation of a vision obscuring device or alarm system shall meet all of the following standards.

1. The premises upon which the device or system is installed shall be protected by an automatic fire sprinkler system complying with the current edition of the NFPA 13 Standard as referenced in the Fire Code. Additional separate permits shall be obtained should an automatic fire sprinkler system need to be installed. The operation of the device or system shall not prevent under any circumstances the remote transmission of the building's waterflow alarm or the remote transmission of the building's waterflow alarm to the alarm monitoring station.

2. All vision obscuring devices or alarm system equipment that is installed shall be UL (Underwriters Laboratory) listed to Standard 1037, or UL Standard 864, whichever is applicable. All installations shall meet the requirements of the NFPA 72 Standards set forth in the Fire Code when interfacing with a fire alarm system or a combined fire and burglar alarm system. The installer of a vision obscuring device or alarm system shall certify in writing that the device or system has been installed in accordance with all applicable codes and standards. The certification shall specify which codes and standards apply.

3. The device or alarm system shall be monitored on a 24-hour basis by a central monitoring station that is UL listed under the Underwriters Laboratories Inc. A copy of the certificate of such listing shall be submitted to the Police Department.

4. The installation plans shall be reviewed by and a final inspection conducted by the Police and Fire Departments.

5. The premises upon which a device or alarm system is installed shall be posted with signs no smaller than 8 ½"x 11" advising emergency response personnel that the premises is equipped with a vision obscuring device or alarm system. The signs shall be securely fastened to all exterior sides of the building and at all entryways. The signs shall be made of a durable, weatherproof material and of a design approved by the Police and Fire Departments.

6. A knox-box or knox-key with a "Vision Obscuring System" shut-off switch shall be installed on the premises at a location approved by the Fire Department.

7. An approved mechanical means of evacuating the vision obscuring substance shall be provided for all premises that are three thousand square feet or more in size or any premises upon which is installed more than two vision obscuring devices or alarm systems.

8. Each device shall be connected to a single, dedicated zone on the alarm system control panel to indicate the discharge of the device.

9. Each vision obscuring device shall be programmed to discharge only after the activation of at least two zones or devices on the alarm system.

10. A waiver and notification shall be signed by the alarm subscriber and alarm business, acknowledging that the discharge of a vision obscuring device or alarm system may delay Police and Fire Department emergency operations, and may result in property damage. If the alarm subscriber is a tenant, the property owner, alarm subscriber and the alarm business, will sign the waiver and notification. The waiver and notification will be on a form prescribed by the Fire Department.

11. The vision obscuring device or alarm system shall be operational only when the premises is not occupied by any person.

C. After installation of a vision obscuring device or alarm system the alarm subscriber and the alarm business shall perform all of the following duties.

1. Maintain each device and alarm system in good working order and take reasonable measures to prevent the occurrence of false activations.

2. Respond or cause the responsible party to respond to the location of an activated device or alarm system within fifteen minutes of notification by the monitoring business. In the event the monitoring business cannot contact a responsible party, the monitoring company shall contact a representative from the alarm business, who shall promptly respond to the location of the activated device or alarm system.

3. Instruct all persons who are authorized to place the device or alarm system into operation in the proper use and operation of the device or system and the appropriate procedures to cancel an activation through the monitoring business.

D. A vision obscuring addendum may be renewed upon submission of a joint renewal application from the alarm subscriber and alarm business not less than twenty days prior to expiration of the addendum, which shall include an inspection report that is prepared by the alarm business that maintains the device or alarm and specifies the service dates and maintenance performed during the preceding year and a non-refundable eighty dollar renewal fee. The renewal application shall be on a form prescribed by the Police Department. The Police Chief or his designee shall approve the renewal application provided that a Police and Fire Department inspection verifies the applicants' compliance with the installation standards set forth in this section, the applicants have paid all assessments imposed again them pursuant to Section 10-85, and the original installation of the device or alarm system has not been altered in the prior year without the written approval of the Police and Fire Chiefs or their designees.

Section 10-85. False activation of vision obscuring device or alarm system; assessments; permit revocation.

A. The alarm subscriber and the alarm business shall be subject to a civil assessment for each false activation of a vision obscuring device or alarm system. Upon recording a false activation, the Police Department shall notify both the alarm subscriber and alarm business by mail of the false activation and the amount of the assessment. If the alarm subscriber or alarm business wishes to contest the determination that the activation was false or the imposition of the assessment, the alarm subscriber and alarm business shall, within twenty (20) days of the date of the mailing of the initial notice of assessment, file a petition with the Police Chief. The petition shall contain specific defenses. The petition shall identify the specific cause of the activation, and include a copy of the central station report for the date and time of the activation and any relevant inspection reports, maintenance and service records. If the imposition of the assessment is challenged but not the false alarm determination, the petition shall specify what corrective action, if any, has been taken to prevent the future occurrence of false activations of the device or alarm system. An activation caused by an act of God or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm subscriber shall be an affirmative defense.

B. If the petition is not received within twenty days of the date of mailing of initial notice of assessment required by subsection A of this section, the alarm subscriber and the alarm business shall be deemed to have waived their right to any further review or hearing as provided herein and the initial assessment shall be final.

C. Upon timely submission of a petition, the Police Chief or his designee shall review the defenses, if any, set forth in the petition. If it is determined that a valid defense to the initial determination of a false activation has been set forth, a notice will be sent to the alarm subscriber and alarm business that no assessment will be made for that particular activation. The notice shall specifically set forth the findings and conclusions of the Police Chief or his designee with respect to the review of the petition.

D. If the Police Chief or his designee determines that a defense to the initial notice of assessment has not been set forth in the petition, the Police Chief shall send a notice of decision by mail to both the alarm subscriber and the alarm business that they will be assessed pursuant to subsection E of this section. The notice of decision shall contain the specific findings and conclusions of the Police Chief.

E. The Police Chief or his designee shall impose an assessment under subsection A or D of this section in the amount of one hundred fifty-five dollars for a Police Department response, two hundred sixty-three dollars for a Fire Department response, and four hundred eighteen dollars if both departments respond, for each false activation. The alarm subscriber and alarm business, except as otherwise decided by the Police Chief or his designee or as provided in subsection J of this section, shall be jointly and severally responsible for the payment of the assessment.

F. Any party aggrieved by a decision of the Police Chief or his designee made pursuant to subsection D of this section may, within ten days of receipt of the notice of decision, appeal by filing a notice of appeal with the hearing officer so designated by the City Manager. The notice of appeal shall set forth the specific objections to the decision of the Police Chief, which forms the basis of the appeal. The hearing officer shall set a time and place for the hearing as soon as practicable.

G. The hearing officer shall conduct the hearing required by subsection F in an informal manner to determine whether there is a sufficient factual and legal basis to support the assessment. The hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings, provided that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence, including evidence of specific defenses and the claim that another party should be solely responsible for the assessments. The burden of proof shall be at all times upon the party or parties appealing the assessment.

H. The decision of the hearing officer shall be based upon the evidence presented and it shall affirm the assessment, in which case any assessments imposed shall be sustained, or reverse the assessment, in whole or in part, in which case no assessment or a lesser assessment shall be imposed. When the hearing officer affirms any part of the assessment on appeal, the hearing officer may designate the alarm subscriber or the alarm business as solely responsible for the payment of the assessment. The decision of the hearing officer is final.

I. The party responsible for the assessment shall tender the assessment within twenty days after the date of the final determination. All or any part of the assessment not paid when due will be subject to a charge of one and one-half percent per month, compounded monthly.

J. Upon the third or subsequent false activation of a vision obscuring device or alarm system within one year from the date of issuance of the vision obscuring addendum or the renewal date of the vision obscuring addendum, the Police Chief or his designee may revoke the vision obscuring addendum. The alarm subscriber and alarm business may appeal the revocation decision pursuant to the appeal procedures set forth in this section. The vision obscuring addendum shall be reinstated upon completion of the following conditions:

1. The alarm subscriber and alarm business certify in writing that corrective action was taken to prevent further false activations, and provide proof that the vision obscuring device or alarm system was inspected for malfunctions.

2. An inspection by the Police and Fire Departments verifies that the device or system operates in conformance with the standards set forth in this article.

3. The alarm subscriber and alarm business have paid all assessments imposed pursuant to this section and not under appeal, and a reinstatement fee of two hundred seventy dollars.

K. It is unlawful:

1. For any person to manually activate a vision obscuring device or alarm system.

2. For an alarm subscriber to use or operate a vision obscuring device or alarm system without a valid vision obscuring addendum.

3. For an alarm subscriber or alarm business to fail to pay an assessment imposed under this section when due.

4. For an alarm subscriber or alarm business to install, use or operate a vision obscuring device or alarm system that emits or produces a harmful or hazardous substance, including tear gas.

5. For an alarm subscriber, proprietor alarm owner or alarm business to install a vision obscuring device or alarm system in a residential structure.

6. For an alarm subscriber, proprietor alarm owner or alarm business to use or operate a vision obscuring device or alarm system that is not connected to a 24-hour monitoring station that will notify the Police and Fire Departments of each device or system activation.

7. For an alarm subscriber or an alarm business to violate any provision of this section.

Section 10-86.01. Alarm subscriber permits.

A. Every alarm subscriber and proprietor alarm owner shall apply for and receive an alarm subscriber permit from the Police Department. Application shall be made with the Police Department for a permit within ten (10) days of the installation date of a new alarm system. Alarm subscriber permits will be on forms approved by the Police Department and shall be accompanied by a fifteen dollar permit fee. An alarm subscriber permit is valid for one year and may be renewed for additional one-year periods on application and payment of an annual fifteen dollar renewal fee. An alarm subscriber permit shall be kept within the premises protected by the alarm and shall be available for inspection by the Police Department. Permits are not transferable from one subscriber or proprietor to another subscriber or proprietor, or from one address to another address. A separate permit is required for each address. No refund or proration of the permit fee or annual renewal fee will be made.

B. A residential alarm subscriber or proprietor alarm owner who is on an annual fixed limited income that is at or below the federal poverty guidelines and is the primary resident of the residence, shall be issued an alarm subscriber permit without payment of the permit or renewal fee if no business is conducted in the residence and the applicant submits a completed permit application and a copy of a document verifying the applicant's income. For the purposes of this subsection, "fixed limited income" means the amount of verifiable income as defined by the Department of Health and Human Services Annual HHS Poverty Guidelines.

C. Alarm systems that are operated by the county, state or federal government and installed on premises which such entity occupies or uses for governmental purposes shall not be subject to this article. However, such entity shall apply for and obtain a permit for each alarm system it operates, which shall be issued without payment of the permit or renewal fee.

D. If an alarm subscriber has multiple alarm systems at one location, an alarm subscriber permit is required for each system. The fee for multiple systems at one address is fifteen dollars. For the purposes of this article:

1. The tenant of an apartment or other rental property who installs, purchases or rents an alarm system shall be deemed to be the alarm subscriber.

2. The owner of an apartment or other rental property that has an existing alarm system shall be deemed to be the alarm subscriber. Each apartment unit shall be considered a separate address. The common areas of offices of the apartment complex will be considered one address.

E. When the Police Department has recorded an alarm for a subscriber or proprietor alarm owner who has not applied for an alarm subscriber permit in accordance with the provisions of this article:

1. The Police Department shall send the alarm subscriber or proprietor alarm owner and the alarm business that called in the alarm to the Police Department a warning stating that they are in violation of the provisions of this article. The warning will direct the alarm subscriber or proprietor alarm owner to apply for the alarm subscriber permit within ten days of the date of the warning. The warning shall notify the party that the failure to obtain the alarm subscriber permit shall result in an assessment of a service fee of eighty five dollars per alarm activation for each alarm which occurs while the alarm system is operated without an alarm subscriber permit.

2. If the alarm subscriber or proprietor alarm owner applies for an alarm subscriber permit as required, the service fee assessment per alarm will not be imposed. If the alarm subscriber or proprietor alarm owner fails to apply for the alarm subscriber permit within ten days of the date of the warning, the Police Department shall notify the alarm subscriber or proprietor alarm owner that the applicable service fee will be assessed for each alarm which occurs while the system is operated without an alarm subscriber permit. The alarm subscriber or proprietor alarm owner may, within twenty days of the date of the mailing of the notice, appeal the initial assessment to the Police Chief by filing a petition with the Police Chief or his designee. The petition shall contain specific defenses, if any, to show why the assessment should not be imposed against the alarm subscriber or proprietor alarm owner.

3. Any petition submitted pursuant to paragraph 2 shall be filed with the Police Chief or his designee within the time specified. If the petition is not timely filed, any notified party shall be deemed to have waived the right to any further review or hearing as provided herein and the service fee assessment shall be final.

4. If a petition is timely filed pursuant to paragraph 2, the Police Chief or his designee shall review the specific defenses set forth in the petition. If it is determined that a valid defense to the initial assessment has been set forth, a notice will be sent to the alarm subscriber or proprietor alarm owner informing them that the initial assessment is reversed. The notice shall specifically set forth the Police Chief's findings and conclusions.

5. If the Police Chief or his designee determines that a defense to the initial assessment has not been set forth, a notice shall be sent by mail to the alarm subscriber or the proprietor alarm owner informing them that the

initial assessment is upheld. The notice of decision shall include the Police Chief's specific findings and conclusions. The Police Chief's decision is subject to appeal pursuant to Section 10-77.

6. An alarm subscriber or proprietor alarm owner who fails to apply for an alarm subscriber permit as required by paragraph 1 shall be assessed a service fee in the amount of eighty five dollars for each alarm activation to recover the costs of the police response while the alarm or alarm system is operated without an alarm subscriber permit. The alarm subscriber or proprietor alarm owner shall tender the assessed service fee within twenty days of a final determination of assessment pursuant to this section or Section 10-77. If the alarm business did not comply with Section 10-69(G) and submit the required form, the alarm business shall be assessed the service fee. In the event the assessed service fee is not tendered, the unpaid balance of the assessment will be subject to a charge of one and one-half percent per month, compounded monthly.

7. It shall be unlawful for an alarm subscriber or proprietor alarm owner to operate an alarm system without a valid alarm subscriber permit issued in accordance with the provisions of this article.

Section 10-86. Confidentiality.

The information furnished and secured pursuant to this ordinance shall be confidential and shall not be subject to public inspection.